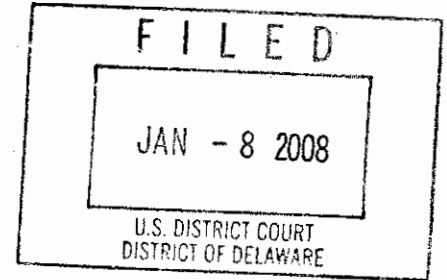


Dennis L. Smith
P.O. Box 311
Selbyville, Delaware 19975

January 3, 2008



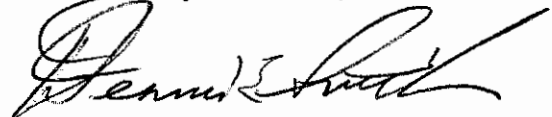
Office of the Clerk
Ms. Marcia M. Waldron
United States Court of Appeals
for the Third Circuit
21400 United States Court House
601 Market Street
Philadelphia, PA 19106 - 1790
Certified -7007 0710 0000 2888 9368

Re: Mr. Dennis L. Smith vs. "Ex - Police Chief Guy D. Baynard" **Civil Case**
No.: 07-4516, --- D. C. No.: 98-cv-00639. This is a **letter to point out**
CORRECTIONS in my (Mr. Dennis L. Smith) December 14, 2007 letter /
Certified -7007 0710 0000 2888 9245

Dear Clerk Ms. Waldron.:

To; whom it may concern, all commingled. Please Take Legal Notice, I (Mr. Dennis L. Smith) Pro se have now forwarded, to you the following autoptic / tangible legal document(s). To simply clarify and/or point out the corrected issues as indicated in the color **YELLOW** thereon, pages 1, 3, 6 and 10, of my referenced above December 14, 2007 letter, of which I enclosed for your record(s). This was an inadvertently oversight.

Respectfully Submitted,



Mr. Dennis L. Smith

Cc: **Attorney Bruce C. Herron**
Roger A. Akin, Esq.
Akin & Herron
1500 Shallcross Avenue
Suite 1 - A
Wilmington, DE 19806

Clerk, Ms. Marcia M. Waldron
January 3, 2008
Page 2

Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19801 - 3570

*** Robert W. Willard, Esq;**
Department of Justice
820 North French Street
Carvel Office Building
Wilmington, DE 19801

Ms. Dianna L. Mondeau
Scottsdale Insurance Company
P.O. Box 4120
Scottsdale, AZ 85261 - 4120

*** The Honorary, Colm F. Connolly esq.,**
United States Attorney For
The District of Delaware
P. O. Box 2046
Wilmington, DE 19899 - 2046

Town of Frankford Council members
P.O. Box 550
5 Main Street
Frankford, Delaware 19945

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

DENNIS L. SMITH

C.A. No. 07 - 4516

Interlocutory – Appellant,

vs.

EX – POLICE CHIEF GUY D.
BAYNARD, INDIVIDUALLY AND AS
AGENT OF FRANKFORD TOWNSHIP,
et al.,

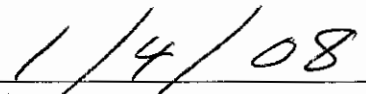
Interlocutory – Appellee(s)

AFFIDAVIT OF DENNIS L. SMITH

STATES OF DELAWARE :
: SS.
NEW CASTLE COUNTY :

The, preceding - indelible truthful – statement(s) in my **LETTER dated January 3, 2008 concerning CORRESTIONS** are true to the best of my knowledge and belief(s); of; Dennis L. Smith and are in full vehement compliance / Compliance(s) Here- with / Here – under; **28 U.S.C.A. § 1746, and 18 U.S.C.A. § 1621.**


Dennis L. Smith


Date

CERTIFICATE OF SERVICE

I hereby certify that the original and three copies my **LETTER dated January 3, 2008 concerning CORRECTIONS** have been certified mailed or hand delivered on this 4 day of ~~December 2007~~, to the United States Court of Appeals, Thrid Circuit defendants' counsel and the following addresses:

JANUARY 2008

Attorney Bruce C. Herron
Roger A. Akin, Esq.
Akin & Herron
1501 Shallcross Avenue
Suite 1 - A
Wilmington, DE 19806
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Office of the Clerk
United States District Court
845 N. King Street, Lockbox 18
Wilmington, DE 19801 - 3570
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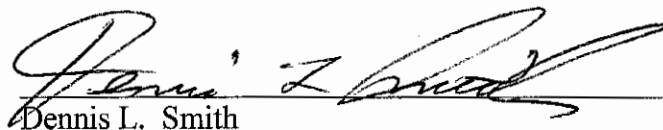
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Town of Frankford Council members
P.O. Box 550
#5 Main Street
Frankford, Delaware 19945
Certified -7007 0710 0000 2888 9375

All mentioned above, certified mailed or hand Delivered by Dennis L. Smith.


Dennis L. Smith

**Dennis L. Smith
P.O. Box 311
Selbyville, Delaware 19975**

December 14, 2007

Office of the Clerk
Ms. Marcia M. Waldron
United States Court of Appeals
for the Third Circuit
21400 United States Court House
601 Market Street
Philadelphia, PA 19106 – 1790
Certified -7007 0710 0000 2888 9245

Re: Mr. Dennis L. Smith vs. “Ex – Police Chief Guy D. Baynard” **Civil Case No.: 07 – 4516, --- D. C. No.: 98 – cv – 00639.** This is a response to the United States Court of Appeals’ letter dated **December 7, 2007**, concerning **appellate jurisdiction** involving the **Corruption** of Federal Judge **Joseph J. Farnan Jr.**, and **Attorney Bruce C. Herron**, also as indicated in my “**INTERLOCUTORY – APPEAL**”, -- NOTICE OF PROHIBITED OVERT – INTENTIONAL MANIFEST – INJUSTICE(S)....” **Filed on November 26, 2007.**

Dear Clerk Ms. Waldron.:

The summary below explains why and/or how this mentioned above referenced Interlocutory – Appeal is **RELEVANT** to this civil case No. 98 – 639 --- , bottom - line (**JJF -- 28 U.S.C.A. § 144**). See; Rational basis test, equal Justice under the law, **for all mankind.**

PLEASE TAKE NOTICE,

This, **Honorable Democracy** based wonderful – nation, that we call these United States of America, Here – under our unprecedented United States Constitution(s), 5th and 14th Amendment privilege of an United States citizen’(s), Inalienable unconditional privilege to Inalienable Due Process of Law. As well as Inalienable Equal access, to all Federally owned and operated United States Const., Art. III § 2. Federal Court(s), and thus, this is many times, that I am manifestly, directly stating (via) ultimate Prima Facie, chronological fact / facts, of the total illicit / unlawful but very obvious arbitrary and capricious total disregard of my legally forward autoptic / tangible legal document(s) in which his color of Law Judge Joseph J. Farnan Jr., 42 U.S.C.A. § 1983. § 1981(a)., is totally patently violative and of express constitutional Prohibition(s), as a matter of Law. The constitution guarantees me, (Mr. Dennis L. Smith) Inalienable Equal Protection of the Law(s), also guarantees that I am to be treated with the same legal Equal justice as any **WHITE MAN, again, 42 U.S.C.A. § 1981(a).**, but see Attorney Bruce C. Herron’s illegal **MOTIVE and/or PLAN -- A, PLAN -- B and PLAN -- C** cover – up / **conspiracy** by Judge Joseph J. Farnan Jr., to illegally protect Attorney Bruce C. Herron from his **February 22, 2007 EXACT EVIDENCE BASED TAPE RECORDED FALSE STATEMENT**, see below.

Clerk, Ms. Marcia M. Waldron
 December 14, 2007
 Page 3

False Settlement Foundation / Statement, **but at the same time**, based on court's records, Attorney Bruce C. Herron already knew that **INITIALLY** Judge Joseph J. Farnan Jr., **did not** illegally cover-up this November 15, 1996 false arrest. Also, Attorney Bruce C. Herron knew that Judge Joseph J. Farnan Jr.'s "**CLARIFICATION**" Order (**D.I. 140**) and his "**JUDGMENT ORDER**" (**D.I. 141**) **was based on court's records as the records will show**. Attorney Bruce C. Herron simply had me (Mr. Dennis L. Smith) believing a **LIE**, while continuing with this approximately Nine (9) years old civil case of **no Justice** for me, a (Black Man) **42 U.S.C.A. § 1981(a)**. This case must be immediately expedited to; legally enforce the expeditious administration of Justice, see also **28 U.S.C.A. § 1657**. Understatement of fact.

Point of fact; so-called incumbent officer of the court, integrity and moral(s), Attorney Bruce C. Herron, had heretofore (via) **INTRINSIC FRAUD**, prohibited mean(s), portrayed to my person at length(s) in multiple communication(s) (via) letter and **VERBAL**. That gravamen his **illicit, stealth – Hoodwinking overreaching, malice aforethought-like overt deception**, Attorney Bruce C. Herron attempted for his **own, personal gain**, and **superficial image**. Attorney Bruce C. Herron did:

- {a}. Attempted, repeatedly to compel my person to believe, that there were two false arrest claims, prior to Judge Joseph J. Farnan Jr.'s **deceitful cover-up** de facto Memorandum Order dated October 31, 2007 as indicated in this letter. In which was a total violation of my inalienable – libertie(s), **by not being treated EQUAL**, under the law / **U. S. Constitution**, and as second or third notice of the fact that **INTRINSIC FRAUD** would have inculpated all adversaries legally / illegally commingled. See; **42 U.S.C.A. § 1985(3) § 1981(a)**.

At this point in time, without truth and proof as mentioned above, Attorney Bruce C. Herron **did not** ASSUME ("**ASSUMPTION**") but, **UNTRUTHFULLY** "**CONFIRMS**" two (2) false arrest, one of them **specifically** being the **November 15, 1996 false arrest Prima Facie Case**, this is a **shame**.

Furthermore, **False Statement(s)**, are therein Attorney Bruce C. Herron's Summary Judgment (**D.I. 57**) and/or its opening brief in support (**D.I. 58**), therefore, this **November 15, 1996 false arrest Prima Facie Case**, first of all, was wrongfully a part of Attorney Herron's summary judgment, based on the **E20 video tape**. Attorney Bruce C. Herron's designed a written **UNTRUTHFUL** Summary Judgment and cheated / **swindled me** out of this **November 15, 1996 false arrest Prima Facie Case**.

Conclusion of "MOTIVE and/or PLAN – A", If I (Mr. Dennis L. Smith) settled at this point in time, therefore Attorney Bruce C. Herron, would have tricked me into settlement for only the December 14, 1996 false arrest, **based on Federal court records, of true sequence**, while at the same time I would be believing the **LIE** that I was settling for the

Clerk, Ms. Marcia M. Waldron
December 14, 2007
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**The continued Racial bias / Harassment and 42 U.S.C.A. § 1981(a),
Inexorable Case, See; December 14, 1996 false arrest**

2. **FOR THE TRUTH**, first of all, see the **E20 Evidences Video** tape recording, which will prove the following: Again, only approximately one month later, on December 14, 1996 Ex – police Chief Guy D. Baynard did falsely arrest Plaintiff (Mr. Dennis L. Smith), for speeding and after I refused to sign his ticket Ex – Chief Baynard he added failure to stop on command. **Only the State Police transported** Smith to JP. Court No. 3 for arraignment, because I could **not trust the next step** of this heretofore corrupt so – called Ex - Chief of Police Guy D. Baynard.

---- VS. ----

FOR THE LIE, see Attorney Bruce C. Herron's False Statement in his (D.I. 58) Defendant's Opening Brief In Support Of Their Motion For Summary Judgment, and I quote, "... Baynard transported Smith to J.P. Court No. 3 for arraignment." **This False Statement of Attorney Bruce C. Herron's, is a clear lie / falsehood and a shame** to the **CONSTITUTIONAL OF THE UNITED STATES**. *Attorney Bruce C. Herron is knowledgeable of this mentioned above E20 Evidence video tape, which contains the truth and proof.* --- Please see; **Scienter**

PLAN -- C

FIRST OF ALL, see the details of **ATTORNEY BRUCE C. HERRON'S MOTIVE and/or PLAN A**, on page two (2) **AS MENTIONED ABOVE**. Therefore, before this February 22, 2007 Tape recording, Attorney Bruce C. Herron's deceitfully and illegally had this November 15, 1996 false arrest **Prima Facie Case dismissed** in his deceitful and illegal Summary Judgment (D.I. 57) and (D.I. 58), but now after this Tape recording have been **EXPOSED** for the **first time** on **July 19, 2007**, after Judge Joseph J. Farnan Jr's D.I. 140 Order and his D.I. 141 Judgment Order, therefore Judge Joseph J. Farnan Jr., is **illegally covering – up for Attorney Bruce C. Herron** in his Memorandum Order dated October 31, 2007 (D.I. 156) see below:

**DECEITFUL ARRANGEMENT OF RECORDED FEDERAL RECORDS,
WHICH LEADS TO FALSEHOOD, CONSPIRACY AND DECEIT BELOW:**

Concerning Judge Joseph J. Farnan Jr's July 5, 2007 (D.I. 140) Clarification Order as indicated in his Memorandum Order dated October 31, 2007 (D.I. 156), on page 2, and I

Clerk, Ms. Marcia M. Waldron
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 Page 10

I, (Mr. Dennis L. Smith) have been intentionally, wrongfully denied my Inalienable Equally – Protected Constitutional rights by Attorney Bruce C. Herron, Judge Joseph J. Farnan Jr and all responsible parties involved in this civil case No. 98 – 639 ---. This a shame and a manifest – Injustice. Hereunder; 42 U.S.C. A. § 1985(3).

Please Take Legal Notice;

The bottom –line is, this case was **also** initially filed hereunder, **TWO false arrest bona fide** claims. So why did adversary **questionable** counsel, and the notorious U.S. Dist. Of Del., Judge Joseph J. Farnan Jr., **Obstruct Justice ?** As a matter of court record(s), **this Judge** did unconstitutionally, wrongfully (via) **PLAIN ERROR** **before** the **February 22, 2007** tape recording of Attorney Bruce C. Herron's **False -- Settlement Foundation Statement** , **DISMISSED** the November 15, 1996 false arrest **Prima Facie Case** (*D. I. 88, D. I. 140 and D. I. 141*). In which was just here recently **RE – INSERTED** (*D. I. 156*) by this same Judge, **questionably only** **after** the **EXPOSURE** of this February 22, 2007 tape recording, due to the heat / truth was on; See **Exhibits “ A ” and “ B ”** of **Court record (D. I. 143)**, as well as legal pressure of still standing / viable

28 U.S.C.A. § 144 § 1331. in which is also, legally **PENDENTE LITE** in the Honorable; U.S. Third Circuit of Appeals. See; docket No. 07 – 4516, as a matter of law.

Furthermore; the past and present vexatious **PROLIXITY**, unjust issuable delay based Statement(s) of Bruce C. Herron in conjunction Herewith the Heretofore Ex – police Chief Guy D. Baynard, who was **INVESTIGATED** by the Honorable Wilmington, Delaware